IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3047 OF 2006
in
CRIMINAL APPEAL NO. OF 2006

Ratan Kishanchand Nathani ....Applicant
(Orig. Complainant)

V/s

The State of Maharashtra
and anr. ....Respondents
(Respondent No.2 - original accused) -

Mr. A.Q. Ansari for the Applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 31st October, 2007

P.C.:

1. Heard Mr. Ansari, the learned Counsel appearing on behalf of the applicant. Applicant is the original complainant who is challenging the order of acquittal passed by the trial court in a complaint filed by the applicant under section 138 of the Negotiable Instruments Act.

2. I have perused the impugned order. Trial Court, after perusing the evidence on record, has come to the conclusion

that the accused had discharged the burden which is cast on him under section 139 of the Negotiable Instruments Act and consequently held that the complainant had not established that there was existing debt or liability. Trial Court further observed that the cheque which was given to the complainant was a blank signed cheque and that the consent of the drawer was not obtained before filling in details of the cheque. Trial Court has examined the evidence which is brought on record before coming to the said conclusion.

3. In my view, no case is made out for grant of leave. I have perused the impugned order. There is no infirmity in the said order. Leave is refused. Appeal does not survive.

(V.M. KANADE, J.)